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The successful Ghana election of 2008: a convenient myth?*

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ABSTRACT

Ghana's 2008 election has been hailed by national and international observers as a model for Africa. The perception of success has prevailed despite persistent concerns about an inflated voters' register and electoral fraud perpetrated by the two major parties, the NPP and NDC, in their strongholds in the Ashanti and Volta Regions respectively. Electoral malpractice in Ghana's virtual two-party system could acquire a decisive importance as a 'third force', representing an even more important factor than the smaller opposition parties. Unfortunate diplomatic and technocratic biases in election monitoring, combined with a reluctance on the part of the responsible authorities to investigate what appears to be a long history of fraudulent voting, amounts to a dangerous time bomb of unresolved conflict which could detonate in future elections.

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Successive democratic elections in Ghana in 1996, 2000, 2004 and 2008 resulted in two peaceful transfers of power between the major political parties (in 2000 and 2008), as well as in continuing improvements in the performance of Ghana's formal institutions, notably the Electoral Commission (EC), the judiciary and security forces. There was also a demonstrable increase in the oversight function of civil society organisations and the media. The outcome of the parliamentary and presidential elections of December 2008 was hailed by stakeholders, the national and international media, diplomatic missions and international scholars alike as another step forward in consolidating multiparty democracy in Ghana, and as a model for the whole of Africa (Gyimah-Boadi 2009; Loetzer & Mönikes 2009: 95; Whitfield 2009). Yet persistently inflated voters' registers and block voting remained a concern, at least with respect to the strongholds of the two major contesting parties.¹ Some observers of the 2008 election have deplored the 'growing ethnicisation' of Ghanaian politics, considered to be a heavy burden on the country's on-going democratisation process. This is in spite of a long-standing tradition within Ghanaian political culture of frowning on ethnic appeals, and various provisions within the constitution and the electoral law (Political Parties Act of 2000) designed to prevent 'tribalism' (Loetzer & Mönikes 2009: 77–8).²

There exists a long-standing controversy about block voting, and how important swing voting has been in Ghana's Fourth Republic (1992–2009). The size of the core voting population in Ghana had been considerable, at least in the 1996 and 2000 elections (about 82% of the voting population; see Lindberg & Morrison 2005: 565). Nevertheless, swing voters brought about the first democratic alternation of power in 2000, thus challenging assumptions that voting volatility in transitional regimes is higher than in relatively consolidated African democracies like that of Ghana. There are no robust data available to test whether the percentage of swing voters has changed since the early 2000s. Ghanaian core and swing voters cannot be distinguished by structural factors, like level of education, the rural–urban divide, income and occupation, possibly apart from ethnicity.³ In any case, strong block voting in two regions persisted. Ashanti (NPP) and Volta Regions (NDC) (Fridy 2007: 282, 286–9; Morrison & Hong 2006: 235, 239) have never voted against the political tradition associated with their region – the Busia-Danquah tradition in Ashanti, and the Nkrumahist tradition in Volta – following the demise of the Ewe unification movement in the 1950s. This pattern has been repeated since the first fully democratic election in 1996, a trend which was confirmed once more in 2008. Together both regions represented a significant proportion (26.6%) of all

registered voters (12,472,758) in Ghana in 2008. Ashanti has the second largest proportion of voters at 18.5 %, behind Greater Accra with 20.2 %. The Volta Region accounts for 8.1 % (EC website; see also Fig. 1).⁴

On-going concern is reflected in claims and counter-claims about electoral fraud. Although the total number of votes involved was possibly quite small in 2008, the closeness of the result meant that vote massing could well have jeopardised the legitimacy of the entire process. The most recent election proved again that Ghana is virtually a two-party system (see Fig. 1), possibly because of the peculiarities of its British-style electoral system (multiple single-member constituencies; see Morrison & Hong 2006: 631–2), reinforced by competing Ghanaian political traditions based on ideology and related socio-economic divisions between ‘Nkrumahists’ and ‘Busia-Danquahists’. Expectations that one of the smaller opposition parties could break through as a third force were again disappointed (EU EOM 2009; Loetzer & Mönikes 2009).

The history of Ghana’s electoral processes shows that, at least in popular perception, ethnicity matters more than any other socio-economic variable (Fridy 2007: 281, 302; Tonah 2009). Fortunately, during this (and previous) elections this did not result in large-scale election violence as in other African states like Kenya, Zimbabwe or Nigeria. Many voters view the two major parties, the National Democratic Congress (NDC) and the New Patriotic Party (NPP), as representing mainly Ewe and Ashanti interests respectively (Loetzer & Mönikes 2009: 64, 78). However, in reality, the relationship between ethnic politics and partisanship is far more complex. Factors other than ethnicity, notably socio-economic issues, dominate actual voting patterns in Ghana (Fridy 2007; Lindberg & Morrison 2008; Nugent 2001b).

Nevertheless, persistent block voting in the Ashanti and Volta Regions is a reality. Its effects are compounded by a level of electoral malpractice designed to stack up additional votes in areas of strength. Vote rigging in regional party strongholds could acquire a decisive importance, possibly representing an even more important ‘third force’ than the smaller opposition parties or the factor of invalid votes.⁵ The sheer number of votes that can be mobilised by each group may serve as a useful indicator. The difference between valid votes in the first and second rounds in the Ashanti Region amounted to 241,284 (2.7 % of the national total and 12.6 % of regional valid votes in the second round respectively), and in the Volta Region to 68,184 (0.8 % of the national total, or 9.3 % of regional valid votes). Both parties attributed the increases to extraordinary mobilisation efforts in the election campaign before the final round. However, there are strong indicators that a significant part of the increase is due to electoral

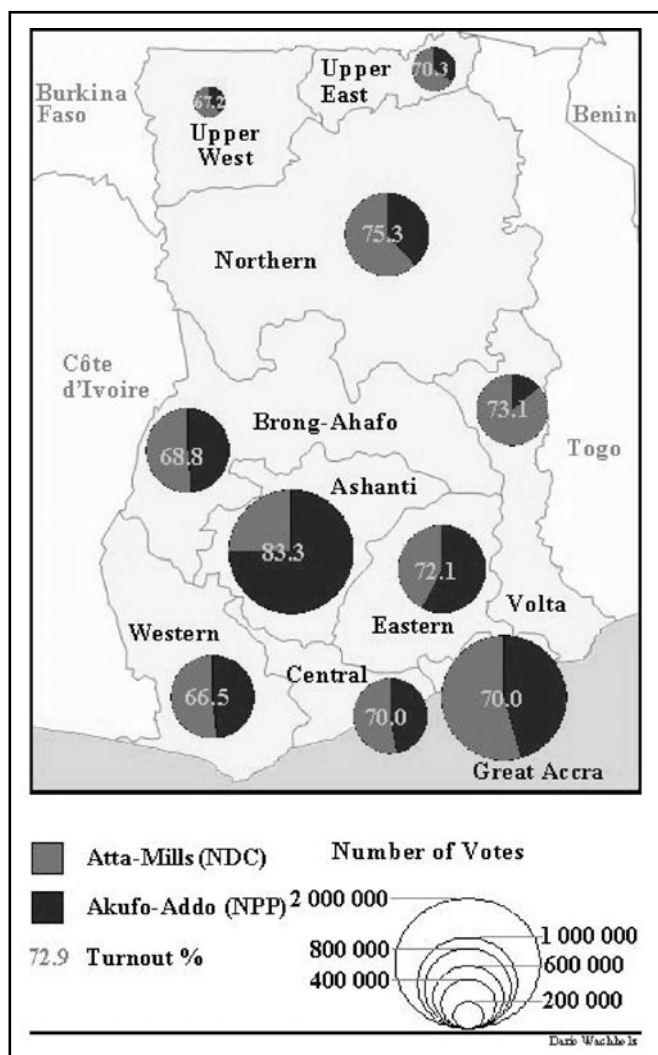


FIGURE 1

Ghana 2008, presidential run-off election.

Number of valid votes, share of each candidate, and turnout (%) by region.

Source: EC-Ghana, Accra.

malpractice, as will be shown in the following sections. By comparison, the candidate of the largest of the small opposition parties, Paa Kwesi Nduom of the Convention People's Party (CPP), gained 113,494 votes in the first round of the 2008 presidential election. In the final round a mere 40,586 votes tipped the scale in favour of Atta Mills.

Against the background of growing conflicts due to a new nationalism (cf. Kohnert 2009) informed by the politics of belonging in Africa in general, and recent electoral violence in Kenya and Nigeria in particular, the praise for the peaceful 2008 election in Ghana is understandable. However, despite the impression of a generally free and fair election, serious malpractices and electoral fraud seemingly occurred. Again the most contested results came from Ashanti and the Volta Region. Not all allegations were investigated sufficiently.⁶ The international community inside and outside Africa was at pains to have a positive example to hold up, a model for Ghana's African peers to emulate. Rare were slightly critical remarks like those of the EU Electoral Observers, for example with respect to the implausibly high turnout in five Ashanti constituencies, and the lack of transparency in the transmission of aggregated figures (EU EOM 2009: 29). The EC, which would have been responsible for in-depth investigations, shied away – for unknown reasons – from opening this can of worms. Possibly it lacked both time and resources for a thorough investigation, or thought it wiser not to touch these questions because they would not affect the overall results. The fact that the EC has not honoured an earlier promise to release detailed polling station results suggests a preference for sweeping embarrassing anomalies under the carpet.⁷ However, although comprehensible in view of the tense political situation at that time, this neglect could seriously distort the picture of what actually took place, and threaten Ghana's political stability and democratic consolidation in the medium and long run. This is the more so because it was apparently not the first time that the EC disregarded probable election rigging in the Ashanti, Volta and Northern Regions, where similar unusually high turnout figures of over 90 % of registered voters were recorded in the 2004 presidential election.⁸ Could it be that officials and international observers of the Ghanaian 2008 election alike were blinded by the quest for an African success story? Whatever the truth of the matter, the outcome is fraught with perils for the future. Because both the NDC and the NPP believe that the other side perpetrated fraud in their strongholds and got away with it, it is highly likely that they will try to do so on an even greater scale in 2012. This raises the prospects of electoral violence and the delegitimation of the electoral process, unless the matter is dealt with in an open and impartial manner.

DIPLOMATIC AND TECHNOCRATIC BIAS IN ELECTION
OBSERVATION IN GHANA'S 2008 ELECTION?

The peaceful and largely transparent outcome of the 2008 election was to a large extent due to the strong commitment and active engagement of

Ghana's media and civil society, which monitored and commented on the electoral process with great zeal. Think tanks, advocacy groups, religious and professional organisations, and NGOs, comprised an impressive platform of independent coverage of the polling process, assisted by advanced technology, meant for regular updates of local and regional results, parallel vote tabulation via mobile phone text messages and local radio stations (Gyimah-Boadi 2009: 145–6; Loetze & Mönikes 2009: 80–2). The contribution made by the Coalition of Domestic Election Observers (CODEO) was of singular importance. All the actors concerned were mindful of what could go wrong, in light of the recent Kenyan experience.⁹ The overall evaluation by international election observers, whose presence was similarly enhanced by the Kenyan crisis and early problems with the voters' register, reflected these positive inputs.¹⁰ But other considerations were also at work. Overriding concerns about political stability in the sub-region, and conflict prevention in view of the volatile political situation in neighbouring Côte d'Ivoire and Togo, may have enhanced the tendency to accentuate the positive. Thus, a certain diplomatic bias cannot be denied for the Ghanaian case.¹¹ An additional technocratic bias,¹² notably a disregard for Ghanaian election history as well as informal politics, and a focus exclusively and excessively on formal procedures of multiparty democracy, apparently blinded impartial observers to the realities on the ground.

One case in question is the long-standing controversy about the inflated voters' register and its connection with the unusually high turnout figures in the run-off election in numerous constituencies of the Ashanti, Volta and Northern Regions in the 2004 and 2008 presidential elections.¹³ Kuenzi and Lambright (2007: 684–5) have observed in general a positive relationship between electoral experience and voter turnout in multiparty elections in sub-Saharan Africa, but this is complicated by the fact that turnout was also higher in Africa's less democratic regimes, compared with the democratic ones. In Ghana, similarly high turnout figures were reported for the 1996 and 2004 presidential elections in the Ashanti and Volta Regions (EC website). In the 2000 presidential election, the first democratic polls which brought an alternation of power (this time from NDC to NPP), turnout was relatively low. Nevertheless, allegations about electoral irregularities, a bloated voters' register, and patterns of voter turnout, notably in the Volta and Ashanti Regions, were already rife.¹⁴ Controversies over the integrity of the voters' register have become a regular feature in Ghana's elections, and have led in some cases to political crisis. For example, the 1992 election was marred by opposition allegations (mostly unsubstantiated) about a 'stolen verdict', followed by its boycott of the December legislative polls. In the 2000 election the voters' register had

been grossly inflated, especially in the Greater Accra, Ashanti and Volta Regions. The reasons given focused on double registration in different regions, fraudulent registration of minors and the deceased as major problems, resulting in an estimated 1.5 million 'ghost voters' (Smith 2002: 624–31). Even during the 2008 election campaign, out of a total of 12,822,474 registered voters, 349,496 entries were removed by the EC because they were considered as irregular (see also EU EOM 2009: 14–16). The EC had expected to register an additional 800,000 voters since 2006, the year of the last update of the register, which corresponded to estimates of the number of citizens who had attained voting age. However, the 2008 provisional register listed nearly an additional 2 million voters (Ichino & Schündeln 2009: 5). Again the highest increase in registered voters during the limited registration exercise of the EC (from 31 July to 13 August 2008) was to be observed in the Ashanti Region: 374,451 new voters were recorded, an increase of 330.7 % over the 2006 exercise. The provisional voter population for the region increased however by only 18.7 % to 2,381,214 voters compared with the 2006 electoral roll.¹⁵ For the whole of Ghana the total increase of the number of voters was 16.7 % to 12,822,474.¹⁶ CODEO (2009: 34) concluded in a statement issued on 4 August 2008 that violence during voter registration and irregularities had been 'widespread'. In view of a persistently bloated register, notably in Ashanti and Volta Region, the abnormally high turnout figures are even more difficult to credit.

Although barely credible turnout figures were criticised in the final report of the EU Election Observation Mission (2009: 29), this critique was not as exhaustive as it could have been. In fact, a total of nine constituencies in Ashanti, two to four in Volta, and one each in the Central, Eastern and Upper West Regions, showed questionable results, with Ashanti by far the greatest suspected culprit (Tables 1, 2).¹⁷ A similar pattern was to be observed in the 2004 presidential election when, for example, at least five constituencies in Ashanti produced dubious turnout rates, most of which were problematic in 2008. The same was true of at least three constituencies in the Northern Region, including two reporting 95 %, as well as three in the Volta Region.¹⁸ It is certainly not by chance that these inconsistencies recurred mainly in those regions where the influence of block voting remains most entrenched. Registration fraud and concomitant inflated turnout figures are probably more likely in party strongholds than in competitive areas (Ichino & Schündeln 2009: 10, 16).

It is open to question whether the questionable results were cross-checked by the EC or other responsible authorities, and what actions have since been taken to remedy the situation. It is conceivable – but not very

TABLE 1

Ghana presidential election 2008: Ashanti region, results of doubtful validity (a): 1st round (7.12.08) & run-off (28.12.08) (c)

Ashanti Constituency	1st round				2nd round				Turnout % 2nd – 1st round	
	NPP	NDC	Valid votes	Turnout %	Reg. voters	NPP	NDC	Valid votes	Turnout %	
Afigya/Sekyere East	33,855	9,240	43,623	77.29	57,040	40,788	9,641	50,429	89.15	+ 12
Bantama (b)	40,493	7,649	48,690	70.90	69,215	56,227	8,532	63,759	93.81	+ 23
Atwima-Kwanwoma	33,324	6,013	39,766	77.69	51,995	39,147	6,564	45,711	88.42	+ 11
Kwabre East	43,329	10,473	54,288	75.06	73,222	50,502	11,796	62,298	85.68	+ 11
Kwadaso (b)	44,341	8,069	52,950	70.65	75,488	62,110	8,876	70,986	94.47	+ 24
Manhyia (b)	66,116	18,835	85,896	71.47	121,082	95,281	20,210	115,491	95.71	+ 24
Nyiaeso S.M. (b)	37,043	10,464	48,243	71.98	67,540	54,545	11,681	66,266	98.29	+ 26
Old Tafo	34,887	12,243	47,543	72.05	66,676	47,476	13,416	60,892	91.62	+ 20
Suame (b)	47,768	9,344	57,687	69.70	82,758	67,790	10,368	78,158	94.73	+ 24
Total	1,214,350	438,234	1,677,285	73.58	2,317,686	1,438,820	479,749	1,918,569	83.31	9.73

Notes (a) constituencies with results of 'doubtful validity' are those with turnout over 95 %, or over 90 % and overwhelmingly for one candidate, or an increase in turnout of over 10 % between 1st and 2nd round. Second round turnout of over 90 %, and differences between first and second round turnout over 10 %, are in bold.

(b) these constituencies' results are questioned also by EU EOM 2008.

(c) for the 1st round the Table gives preliminary results.

Source: Electoral Commission of Ghana (EC); compilation by the authors.

TABLE 2

Ghana presidential election 2008: Volta region, results of doubtful validity (a) 1st round (7.12.08) & run-off (28.12.08) (c)

Volta Constituency (b)	1st round					2nd round				turnout % 2nd – 1st round
	NPP	NDC	valid votes	turnout %	reg. voters	NPP	NDC	valid votes	turnout %	
Ho East (b)	1,373	21,168	23,235	67.44	35,233	1,836	26,605	28,441	81.50	+ 14
Anlo (b)	863	31,153	32,462	70.63	46,653	1,328	36,207	37,535	80.88	+ 10
Keta (b)	1,000	28,846	30,188	72.26	42,303	1,957	33,693	34,750	82.63	+ 10
Ketu South (b)	2,815	56,484	60,238	62.52	98,283	3,415	68,595	72,010	73.88	+ 11
Total:	99,538	551,046	664,888	67.12	1,012,122	102,173	630,899	733,072	73.11	

Notes (a) constituencies with results of 'doubtful validity' are those with turnout over 95 %, or over 90 % and overwhelmingly for one candidate, or an increase in turnout of over 10 % between 1st and 2nd round. Differences between 1st and 2nd round turnout over 10 %, are in bold.

(b) these constituencies' results are questioned also by EU EOM 2008.

(c) for the 1st round the Table gives preliminary results.

Source: Electoral Commission of Ghana (EC); compilation by the authors.

likely – that the unusually high turnout figures truly reflect the strong engagement of voters in the constituencies concerned. The worst-case scenario is that a perception of impunity, influenced by ethnicity in already volatile constituencies and in certain regions, will encourage enhanced electoral fraud in future elections. Those who commented favourably on the elections pointed out that the Election Commissioner, Dr Afari-Gyan, scored a tremendous achievement in producing a legitimate result. At the height of the disputed run-off, his strategy appears to have been to call the bluff of the NPP by accepting disputed results from Ashanti and then pointing out that these were not enough to overturn the majority that had been chalked up by Mills. When the NPP insisted that the Tain constituency, where there had been no voting, could still affect the outcome, he called their bluff again and agreed not to declare the result until the election had been rerun there. No doubt, this was evidence of deft footwork, but the point remains that the final result was arrived by glossing over allegations of significant electoral fraud. The precedent that has been set is a dangerous one, and there is no guarantee that a future Commissioner will be as fleet of foot in future.

In the next two sections, we examine the elections in Ashanti and the Volta Region in closer detail. These were the regions where the most serious allegations were made, but it is important also to consider the atmosphere in which the polls were conducted. A successful election does not merely hinge on an accurate tally of how voters cast their ballots: it also has to be seen to be fair. Election crises tend to occur when a psychology of

mistrust becomes deeply rooted. In these two regions, there was abundant evidence for this mistrust in 2008, which does not bode particularly well for the future.

THE CASE OF ASHANTI REGION

There was never any doubt that the chances of the NPP being re-elected in 2008 hinged on retaining the absolute loyalty of the Ashanti Region as a vote bank, as party officials readily admitted. One consideration was whether the NPP could retain the sympathy of voters in parts of the region that were more recent converts to the party cause. In Ashanti, there have historically been two weak links. One is at the geographical margins, reflecting deeper historical dynamics of 'Greater Asante'. In the 1996 presidential poll, the NDC won a majority in three constituencies in northern Ashanti and two in the south. In the first round of the 2000 presidential election, only Ejura Sekyedumase and New Edubiase resisted the NPP. In the second round, John Kufuor only failed to carry the latter constituency for the NPP. If support for the government were to erode, however, an adverse swing was always possible in these marginal constituencies. Secondly, Ashanti has witnessed considerable levels of immigration, from the Volta Region but more particularly from the north. The Zongo communities have tended to vote NDC. Hence the Asawase parliamentary seat in Kumasi was captured by the NDC in 2004, despite its poor showing elsewhere.

A real concern for the NPP campaign team was that Ashanti voters might not turn out to vote for an Akyem presidential candidate, even if they remained broadly disposed to the NPP as a party. Hence turnout was always regarded as a prime consideration. Nana Akufo-Addo brought prominent Ashantis into his campaign in order to reassure voters that the party remained firmly rooted in its tradition as an Ashanti/Akyem alliance. The team staged big rallies in Kumasi and larger urban centres, in an attempt to persuade voters that it retained enthusiastic support in the region. The fundamental question of how many Ashanti voters there actually were was dogged by controversy from the start. Before the reopening of the voters' register, the NDC complained that the figures for thirteen Ashanti constituencies were massively inflated. In April, the EC set up an independent committee to investigate this claim. Dr Afari-Gyan initially lent credence to NDC fears when he confirmed that the increase in the number of voters in Ashanti was not credible, but in June he revised his assessment. He announced that the incorrect figures, which were the result of a printing error, only existed in hard copies of the register that had

been sent to parties, and were not replicated in the EC's own database. Although this supposedly meant that there should be no further cause for concern, the NDC believed that any error was deliberate, and would be brought into play later on. The problem was compounded when the register was reopened to allow those who had attained full voting age to add their names. The NDC alleged that there had been systematic attempts to pump up the numbers in Ashanti, through a combination of double and under-age registration. Therefore, the opposition parties remained extremely sceptical about the figures. During the campaign, Rawlings not surprisingly returned to the claim that there was a plot to rig the election, centred on Ashanti. The fact that some large question marks remained over the process disposed many opposition supporters to believe the worst.

The election campaign in the region witnessed a few incidents of violence, but some of these involved rival candidates for NPP parliamentary nominations, as was the case in Bekwai. On the whole, the campaign passed off with little trouble. In the first round of voting in 2004, Kufuor had captured 1,235,395 out of 1,679,664 votes, which translated into 73.6 % of the votes in Ashanti. In the first round in 2008, Akufo-Addo won 1,214,350 out of 1,677,285 votes, amounting to 72.4 %. By contrast, Mills had won 398,362 (23.7 %) of the votes in 2004, whereas in 2008 this had increased to 438,234 votes, or 26.1 % (see Table 1). In other words, regional turnout had dipped slightly, but this was to the disadvantage of Akufo-Addo. Mills, on the other hand, had seen his total number and share of the Ashanti vote increase. The NDC had also managed to take its number of parliamentary seats back to three – New Edubiase, Ejura Sekyedumase and Asawase – while two NPP rebel candidates had won as independents.

All of this was understandably a matter of considerable alarm to the NPP campaign team. Akufo-Addo supporters privately complained that the relatively low turnout in Ashanti had cost Akufo-Addo a first round victory, which he only narrowly missed with 49.1 % of the national vote. There was also some dissatisfaction at the failure of Kufuor to play a more active role on the campaign trail, which may have been rooted in his historically strained relationship with elements of the Ashanti political elite (Elischer 2008), and his earlier support for Alan Kyerematen as the party candidate. In the run-up to the second round, Kyerematen, who had briefly resigned from the party, was brought in to head the campaign in Ashanti in the belief that he held the key to a higher turnout – despite being a Fante. A special appeal was made to Ashanti voters to prevent Rawlings from staging a comeback on the coat tails of Mills. The Mills campaign meanwhile hoped to make modest gains in Ashanti, while consolidating the swing elsewhere.

In the final analysis, Akufo-Addo achieved what he was hoping for in Ashanti during the second round. The total vote in Ashanti rose to 1,880,372, with Akufo-Addo taking 1,401,421 (74.5 %) and Mills 478,749 (25.5 %). Akufo-Addo had therefore conjured up another 187,071 votes and increased his overall share, whereas Mills had increased his numbers by a mere 40,515. If the balance of forces had remained the same in the other regions, the additional votes (just over 1 % of the national total) would have pushed Akufo-Addo over the winning line. As it happened, the gains in Ashanti were wiped out by the swing to Mills in all the other regions, including Brong-Ahafo that had gone to the NPP in round one. The question that arises is whether the NPP campaign team genuinely improved its performance in the second round, or had resorted to illegitimate tactics. It has to be said that the results in certain constituencies look extremely suspicious. At Manhyia, where the recorded turnout was 95.7 %, the NPP vote rose from 66,116 in the first round to 95,281 in the second (+24 %). At Nhyiaeso, where the alleged turnout was 98.3 %, it rocketed from 37,043 to 54,545 (+26 %); and in Suame it climbed from 47,768 to 67,790 on a 95 % turnout (+24 %; see Table 1). The total turnout figures for Ashanti (83.3 %) were out of line with the figures for the rest of the country (72.7 %). Interestingly, the turnout in Akufo-Addo's own region, Eastern Region, stood at only 72.2 %. Given the closeness of the contest, these increases could well have been enough to determine the overall result.

Perhaps voters in Ashanti genuinely feared a return of the NDC more than other Ghanaians. Yet recorded increases in electoral participation, leading to very questionable turnout figures at the constituency level, should have caused concern among international observers. It is unlikely that massive fraud occurred at the level of individual polling stations, given the strong presence of CODEO and international electoral observers. However, there may have been manipulation and intimidation in those polling stations or constituencies where NDC polling agents withdrew on polling day. The transmission of results from the constituency level to the Electoral Commission headquarters provides much broader scope for electoral rigging. This is confirmed by evidence in other countries, where elections have taken a violent turn in the post-poll period. The claim that two different sets of results were received in the EC 'strong room', with the second revealing much higher figures than the first, has never been properly explained. What is even more suspicious is that the regional office of the EC appears to have deliberately held back from declaring a number of Ashanti results.¹⁹ By releasing the NPP's bombs at the end, the NDC claimed, it was possible to claim victory at the last gasp: that is, once it was

known how many votes were still required to concoct a victory. There is some plausibility to this reading of what happened, because a relatively comfortable Mills majority suddenly evaporated as the last results came in. It was not enough as it happened, but the NPP came close to snatching victory at the last gasp. Interestingly, the constituencies that declared late included those where there was an implausible turnout: notably Nhyiaeso (98.3 %), Kwadaso (94.5 %), Manhyia (95.7 %) and Suame (94.7 %).

The NDC complained bitterly about these figures, and for some hours the entire election teetered on the brink of crisis. But after the Tain result was declared, Afari-Gyan announced on 3 January 2009 that the EC had investigated and concluded that the NDC had failed to produce sufficient evidence in the shape of complete polling station returns for the disputed constituencies. In reality, this was a mammoth task, especially when some polling agents had not been present at the final count. Although the NDC was still deeply unhappy, it had been declared the overall winner and decided to live with the Ashanti anomalies rather than provoke a crisis. Nana Akufo-Addo, on the other hand, was urged by Kufuor to accept defeat with good grace rather than resorting to the courts or direct action on the streets. The NPP's own complaints about the Volta Region were similarly dismissed. Since then, the EC has shown no inclination to revisit the issue of electoral malfeasance. It has offered no explanation of the turnout figures, no reason for the late declaration of certain Ashanti results, and has failed to mount a complete set of results on its website that would enable Ghanaians to judge for themselves. These are serious shortcomings that might come back to haunt the country in the future.

THE CASE OF VOLTA REGION²⁰

Before going into detail, it bears repeating that irregularities in the form of abnormally high registration rates in some constituencies, bloated voters' registers, abnormal increases in voter turnout in the run-off election (notably in southern constituencies dominated by the Anlo-Ewe), rigging and ethnic block voting have a history in the Volta Region.²¹ This is a history which has coloured NPP perceptions of the likelihood of being able to contest on a level playing field.

The hope of NPP activists in the Volta Region for a reversal of their historic fortunes was based on a number of considerations. In the 2004 election, the party succeeded in winning a parliamentary seat in Nkwanta North for the first time.²² The NPP strategy was accordingly focused on minority areas, where they aspired to win at least four constituencies: Nkwanta North again, Nkwanta South, Krachi East and Krachi West, as

well as Ketu North in the southern part of the region where the regional minister was running. NPP officials boasted of their impartial record of concern for the welfare of the whole region: for example, they pointed out that their government had built a Polytechnic College in Ho which ought to significantly redress the perception of marginalisation. Their party offices were very well frequented and their public meetings well attended, all of which gave the impression that they had managed to make inroads in the region. Nevertheless, there was a common belief that public money had been diverted by a corrupt national government to other regions that were better endowed with basic infrastructure like roads, schools and hospitals.

The NPP exploited the advantage of incumbency in the Volta Region. For example, apart from the usual distribution of large numbers of T-shirts, they provided school books in the villages, traditional presents to the chiefs and queen mothers, and – at least according to usually reliable local informants – also cash as an incentive to vote for the ‘right’ candidate. Some money was allegedly used to bring registration officers ‘on board’.²³ The deal was said to involve the registration of anyone brought by the party with no questions asked, including ‘minors’, and to place potential opposition voters on a ‘wrong’ list of voters. This was precisely what happened in Hohoe during the registration process, where two employees of the Regional Electoral Commission (REC) were arrested by police on the grounds of manipulating voters’ lists.²⁴ According to information released by the police, the accused confessed to having taken money from NPP. However, no complaint about the registration process was brought to the knowledge of the EU observers, though they especially asked for it in the villages. Other fraudulent practices concerned ballot papers meant for NDC strongholds that would be rendered useless by printing mistakes and subsequently be rejected by NPP party agents. This happened in a few places (e.g. in Nkwanta District), but its net effect was only to delay the voting process, and not to hinder it completely. In addition, the NPP organised so called ‘party youth’ in a number of constituencies like Krachi East, with the aim of harassing opposition and election officials. This happened specifically in Dambai.

In the final analysis, the REC was able to secure an acceptable election process. Apart from Buem Constituency (Jasikan District), all constituency result sheets were signed by representatives from both parties. In Jasikan, NPP agents failed to turn up for the tabulation process. The Returning Officer claimed that NPP party officials told them to stay away. The results in the Volta Region showed a NDC landslide, to no one’s great surprise. Apart from Nkwanta North, all the other parliamentary

constituencies went to the NDC. There were only minor incidents, as in Krachi East, where the car taking the ballot boxes to the regional office was attacked and the boxes stolen. Since the Presiding Officer carried the signed result sheets, the REC was able to announce the results.

Not much was seen in the local arena regarding the upcoming run-off between the presidential candidates, by contrast with the heated discussions on TV, radio and in the newspapers about electoral rigging in the Volta and Ashanti Regions. NPP officials claimed that the election in the Volta Region had been marred by fraud, and stressed that their party agents had been harassed and had not been allowed to take up their duties. Some of these allegations were repeated by NPP officials at the constituency level. What casts some doubt on the claims is that NPP agents had signed all result sheets except one at the tabulation centres. It would have been easy for the REC in Ho to clarify matters, but the EC answered solely in general terms and did not refer to any concrete allegation. This was left to the press, but because journalists' movements were quite restricted due to financial constraints, many cases were not investigated. In the end, the claims became part of the stock of NPP propaganda to discredit the NDC in the run-off.

Two days before the second round, a group of about a hundred so-called 'Macho Boys', that is NPP sympathisers, were brought in from Accra. When asked about their role in the election, the mainly young men claimed to be working as polling staff. However, they had no idea about election procedures. The EU observers met them close to Kpando town, where they were lodging, and had a long discussion with a large number of them. On voting day they were brought to polling stations, where they often met local party agents who refused to be replaced by them. The context was one in which the national party organisers believed that their agents in the region were likely to be susceptible to pressure, whereas outsiders would perform a better job. Not surprisingly, the accredited agents from the region took exception. Only two agents per party were allowed inside a polling station at any given time. Some of the 'Macho Boys' first came to their assigned polling station by late afternoon. Their names on the party's list of officially authorised party agents had often been replaced or overwritten. This was why many Presiding Officers did not allow them inside the polling station. Others, who had been allowed inside, later refused to sign the result sheets. Evidence procured by REC as well as a number of oral admissions to the EU observers suggested that NPP party agents told them not to sign, though they could give no concrete reason for their refusal.²⁵ The constituency result summary sheets were not signed by NPP agents in three cases: Ho Central, North Dayi

and Keta. In Anlo, these outsiders were chased away by townspeople in a fraught atmosphere. There was a deep-rooted perception in the region that the 'Macho Boys' had been brought in to interfere with the democratic process. The background was that a prominent chief, known for his critical stand vis-à-vis the government, had been killed a few weeks before, and the government was blamed. The police explained that they escorted the young men out of town because of security concerns, while the REC claimed that this was not their responsibility. In short, the 'Macho Boys' caused a lot of ill-feeling and were the source of many rumours in the Volta Region, although in the end their presence did not have much effect since the procedures in place were working.²⁶ Nevertheless, compared with the first round, when the NPP secured 9.2 %, their share rose to 13.94 % in the second round, while NDC came down from 88.64 to 86.06 %. What is open to speculation is the much higher turnout in the second round, namely 739,669 total votes as compared to 679,396 in the first round, amounting to an increase of 60,600 in the number of votes cast. Some of the increase in specific constituencies would warrant closer investigation by the REC or EC.²⁷

Although Mills was of Fante origin, people in the Volta Region still associated the party with former president Rawlings, the NDC's grey eminence who has a partly Ewe background. The reason given for why a change of government was necessary was that the power had to be taken away from 'those people in Kumasi' who allegedly did not care about Volta Region – the fairly poor road conditions were often invoked as evidence.²⁸ An indicator of NPP's view of its prospects in the second round, as seen by the party's 'National Campaign Coordination', was the failure of national party officials to put in a showing during the pre-election period. Clearly, the region had been written off. It appears that the operative strategy was to disturb the election procedures and – if the situation should permit – to use this in order to hinder the official announcement of the final presidential results, should these not be in favour of the NPP.

Three days before voting took place, the government closed the border with Togo, on suspicion that a number of Ewe people from Togo had registered and would vote in the interest of their kinsmen. The furious reaction by NDC officials showed that this distrust was not completely misplaced.²⁹ Significantly, no other border was closed. Every time the NDC regional office was visited by the EU observers, the latter encountered allegations about the rigging of the election by NPP (and vice versa). Sometimes, the claims were quite obscure. For example observers were told that the houses of NDC sympathisers in Dambai had been marked by NPP youth, as in Rwanda, in order to deal with them after the

election. However, when EU officials tried to verify the allegations on the spot, NDC officials were not able to provide any evidence. In Kete-Krachi the observers were told that many Muslim youth members who were regarded as potential NDC voters had been imprisoned due to unrest in the town. In reality however it proved to be an internal quarrel in the Zongo Muslim Community between the Muslim youth and so-called traditionalists.

In short, (perceived) ethnicity continued to be a major underlying factor in the 2008 election in the Volta Region. This clearly played a part in the block voting. But it also underlined contrasting images of political virtue: whereas the Volta Region has been stereotyped within NPP circles as a superstitious, almost barbarous place where it is practically impossible to secure a fair deal, NDC activists in the region see themselves as the strongest bulwark against Ashanti hegemonic pretensions. These discourses need to be taken seriously because, as the Kenyan example shows, an escalation of political tensions can lead to their operationalisation in as yet unrealised ways. The traditional structures and their role in the election have so far been left out of most analyses. As in other African societies, traditional authorities play a greater role than is generally taken into consideration by election observers.³⁰ The question is whether and how far other ethnic groups could become embroiled in ethnic cleavages within the framework of future elections. Whether the NDC and NPP will honour the Code of Conduct for political parties as well as the formal legal precautions against instrumentalisation of ethnicity in politics in the next election remains to be seen. But there are some worrying signs.



Undoubtedly, Ghana's process of democratisation is more advanced than in many other countries in sub-Saharan Africa. Already in 2000, swing voting was significant enough to produce a change of government. In addition, it has become more difficult for individuals and political parties to cheat massively in Ghana's elections, despite persistent voting irregularities and widespread abuse of incumbency. The EC has carved out a reputation as an independent, fair and credible institution. Significantly, the elite and large sections of the population were prepared to accept results declared by the EC when it mattered. Nevertheless, neglected or unrecognised electoral fraud and a history of impunity in already volatile constituencies and regions of decisive importance for the general outcome of the polls could encourage large-scale electoral fraud in future elections.

This poses a threat and is a destabilising factor in Ghana's democratisation process.

The Achilles' heel of election administration in Ghana has been the dubious voters' register and the irresolute attitude of the EC and other responsible authorities when it came to checking improbably high voter turnouts and apparent electoral malpractice connected with block voting in several constituencies in Ashanti and the Volta Region. Surprisingly, neither of the main political parties insisted on rigorous in-depth investigation once their complaints were rebuffed by the EC. Could it be that the instrumentalisation of ethnicity played a major part in vote rigging, in view of the fact that 'ethnic cleavages' constitute a deeply engrained emic view of the rule of politics in Ghana, and that each of the concerned hoped to profit from it eventually at the expense of the other?

Certainly, diverse constitutional and other legal provisions mentioned above prevented straightforward 'ethnic voting'. However, in a society where informal institutions and ethnicity in politics and economy are paramount (Fallon 2004; Lentz & Nugent 2000; Meagher 2007; Nugent 2001b; Tonah 2009), formal political rules operate under severe constraints. An in-depth study of the 2004 election revealed that in most cases local influences dominated voters' decisions, including primordial cleavages, regional political traditions, and the influence of traditional chiefs (Boafo-Arthur 2006: 365–6). A piecemeal but painstaking democratisation of the fabric of informal politics including chieftaincy (which seems to be deeply involved in block voting), and a meaningful decentralisation policy from below (Crawford 2009), would be required to lay a sustainable base for a functioning democracy at the grass-roots level, which could eventually lead to a more responsive government. A precondition for downward accountability is to simultaneously empower local governments and citizens. Past experience shows that 'decentralisation from above' cannot do the job. It prevents a genuine devolution of power, which would require among other things a realignment of the structures of traditional authority in line with basic democratic requirements (Crawford 2008, 2009). In short, there is nothing which could replace political struggle for real democracy from below.

NOTES

1. As expected, the contesting major parties and their candidates attained their best results with highest voter turnout in their respective strongholds: Nana Akufo-Addo, leader of the National Patriotic Party (NPP) gained 75 % of valid votes in Ashanti, and Atta Mills, presidential candidate of National Democratic Congress (NDC) got 86 % in Volta Region, labelled as the 'World Bank' of the NDC by party veteran and former head of state Jerry Rawlings (see Figure 1).

2. According to Gyimah-Boadi (2009: 143), 'both parties shamelessly attempted to mobilize ethnic votes, virtually declaring their respective strongholds – the Ashanti Region for the NPP and the Volta Region for the NDC – as "no-go" zones for their opponents' during the run-off to the presidential election on 28.12.2008.

3. Unfortunately, Lindberg & Morrison (2005: 577) could not test for ethnic bloc voting because of lack of time and reliable data.

4. See EC-website: www.ec.gov.gh/node/63. As regards core and swing voters, the Central Region (8.2 % of registered voters) was a notable example, because in 2008 the Fante-Akan majority of the population abandoned the NPP for the NDC, apparently for non-ethnic reasons. The Central Region voted for the NDC in 1992, 1996 and 2008, but for the NPP in 2000 and 2004. There were 'swings' against the NPP in Brong-Ahafo, and in its favour in parts of the North.

5. The remarkable increase of the percentage of invalid votes in Ghanaian elections since 1992 led some scholars already to believe that these rejected ballots could act as a possible 'third force', an even more decisive factor in tipping the scales than the smaller opposition parties (Gyimah-Boadi 2009: 150). Invalid votes amounted to 205,438 or 2.4 % in the first round of the 2008 election, and 92,886 or 1.0 % in the second round. For reasons for the unusually high number of invalid votes in the first round see Loetzer & Mönikes 2009: 87.

6. The following analysis is based on the experience of the authors as international election observers during Ghana's 2008 election with the EU and the Carter Center respectively, complemented by additional field research and/or professional experience in Ghana during the past decade. Most of the quantitative data is based on figures provided by the Electoral Commission in Accra.

7. We are grateful to an anonymous reader for drawing our attention to this, and for the observation that one probable reason was the impossibility of reconciling the declared results and the aggregated polling station figures. In the Volta Region, Paul Nugent and Tom Molony came across a number of examples where the reported polling station turnouts were over 100 %. This also happened on a significant scale in Ashanti. It is clearly difficult for the EC to draw attention to such anomalies, but this has implications for the credibility of the process.

8. See the EC-website: www.ec.gov.gh/node/63, accessed 14.9.2009, for detailed 2004 presidential results for regions and constituencies.

9. The negative example of the Kenyan 2007 elections (Harneit-Sievers & Peters 2008) may explain the strong engagement of Ghanaian civic organisations that wanted to prevent similar atrocities in their country.

10. The Carter Center had only previously observed the 1992 elections. Its return in 2008 reflected concerns about how things were going in the registration phase.

11. The international donor community was in dire need of a democratic model to be presented to African peers with rather doubtful governance credentials. The World Bank had, for example, already facilitated a training mission in 2004 for the newly elected Liberian Parliament (before its inauguration) in Accra, in order to learn from the Ghanaian Parliament.

12. Similar to the 'diplomatic bias', the 'technocratic bias' is a potential characteristic of international election observation which distorts the result for technical rather than diplomatic reasons. Increasing professionalism of election observation leads to a top-down approach on the part of the observers, focusing on technical domains like the formal institutional framework of a democratic multiparty system or sound sampling procedures. Last, but not least, due to lack of time and resources for in-depth investigation, observers tend to disregard informal institutions and the indigenous socio-cultural setting, which are of the utmost importance in Ghana in particular and in West Africa in general (Meagher 2007). This concerns for example 'money politics', which reaches far beyond 'vote buying' or corruption in the political history of Ghana (Nugent 2001b: 407–10; Owusu 2006). Another example is the question of land tenure and its instrumentalisation in politics, which will remain a big and controversial problem in future. Recently discovered oil fields in the Ghanaian offshore region and the expectation of a big profit added to the financial prospects of the informal politics of elections. Considering the latter might result in quite a different interpretation of the electoral process (for a more detailed exploration of the concepts see Kohnert 2004).

13. See below for detailed turnout figures of the 2008 election. However, there is no direct correlation between the results of the specific conspicuous constituencies in the Ashanti and Volta Regions in the 2008 elections, compared with the presidential polls in 1996, 2004 and 2000.

14. See Smith 2002: 629–33 for a detailed discussion of differences in voter turnout in Ashanti and Volta in the 2000 elections.

15. The turnout in the 2008 parliamentary election for the relevant constituencies in the Ashanti and Volta Regions differed only marginally (less than 1 %) from that for the first round of the presidential election; see EC-website: www.ec.gov.gh/node/208, accessed 14.9.2009, and Tables 1 and 2. Party support and support for the presidential candidate of that party likewise differed only marginally. This is no surprise, because voting was at the same time and place for both elections (parliamentary and presidential first round). Data on the parliamentary election are thus of limited, if any, value as an additional cross-check on the presidential data for the second round.

16. See 'Voters register hits 12.8 million', available at: www.ghana.gov.gh/node/5615/print, accessed 5.4.2009.

17. It is unlikely that even the newly employed tactic of the NPP (and NDC) in its stronghold, vigorous house-to-house campaigns dubbed *fre wo nua* (literally, call your brother to go and vote), could result in such a massive increase in the total number of additional voters in the two weeks between the first and second rounds. Although the quoted turnout figures are highly incredible, they are hard to falsify with robust facts and figures under the present conditions in Ghana or elsewhere in Africa.

18. See the EC 2004 presidential election data-sheets at: www.ec.gov.gh/node/63, accessed 29.4.2009.

19. This comment is based on personal observation. Paul Nugent spent some time in the Electoral Commissioner's office on election day, and it was striking that a late release of results from Ashanti was being anticipated as a contentious issue.

20. Empirical analysis for this section is based on numerous narrative and focus group interviews, as well as talks with key persons, selected by means of both the snowball and pre-informed structured sampling method conducted by Heinz Jockers all over the Province. It included election and party officials, civil servants, the Ulama and Christian representatives, traditional authorities like the chiefs, queen mothers and traditional healers, academics, and many other people during three months in the pre- and post-election period of December 2008.

21. Daniel Smith (2002: 627–33) described this in detail for the 2000 election. It is all the more surprising that during the 2008 election the EU observers hardly met any local observers at the polling stations or at the tabulation centres of the region.

22. The constituency is situated in a minority area in the northern part of the region where, although Akan is used as lingua franca, the different groups are not related to the Akan. The Busia-Danquah tradition gained one seat in this part of the region in 1969, but otherwise failed to make any inroads.

23. This allegation is based on a strategy paper by NPP giving hints how to manipulate elections. Only some of these appear to have been acted on.

24. A court case was fixed after the election.

25. By law, an agent who refuses to sign has to give the reason in a written form. This did not happen at any polling station.

26. Paul Nugent and Tom Molony investigated NPP complaints of violence and intimidation in some Volta Region constituencies on behalf of the Carter Center, but no clear picture emerged. In one case, where serious allegations were made by the District Chief Executive, they encountered party executives from the NDC and NPP who were on extremely friendly terms. However, there were some polling stations which returned turnouts of over 100 %. The NEC regional officer was co-operative, but could not explain the anomalies.

27. Ketu South 11,167 more votes cast, Anlo 4,792, Avenor 5,073, Tongu North 4,786, Ho Central 4,495, and Ho East 4,954 are outstanding examples.

28. See Nugent 2001a.

29. There has always been suspicion about the link between the Ewe on each side of the Ghana–Togo border, including allegations of arms trafficking.

30. All chiefs, queen mothers, herbalists and church authorities spoken to were convinced about a clear win for NDC in the Volta Region. Though they officially have a neutral position, in reality they play an active role, using informal structures usually closed to outsiders.

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